

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Rosario Marinello,

NO. C 08-00664 JW

Plaintiff,

**ORDER DENYING REQUEST FOR
RETURN OF FILED DOCUMENTS**

v.

California Dep't of Corrections &
Rehabilitation,

Defendants.

Presently before the Court is a request dated January 20, 2010 by Alberta Rose Jones, a non-party to the above entitled action, for the return of certain documents filed with the Court.¹ From September 3-11, 2009, Ms. Jones filed a series of incoherent "declarations" in this case. (See Docket Item Nos. 76-80.) On September 21, 2009, the Court ordered the Clerk of Court to strike the filed documents from the Docket and to not accept any further filings from Ms. Jones in this case. (See Docket Item No. 83.)

Civil Local Rule 79-3 requires as follows:

All files of the Court shall remain in the custody of the Clerk and no record or paper belonging to the files of the Court may be taken from the custody of the Clerk without a special order of a Judge and a proper receipt signed by the person obtaining the record or paper. No such order will be made except in extraordinary circumstances.


¹ (hereafter, "Request.") For reasons described below, Ms. Jones is not permitted to file her Request with the Court in this case.

1 The Handbook for Litigants Without a Lawyer, provided by the Court to *pro se* litigants, advises
2 that *pro se* litigants should “[b]e sure to keep an extra copy of every document you file for your own
3 files.”²

4 Here, Ms. Jones requests that her papers be returned so that she may file them in a separate
5 action. Ms. Jones contends that the Court’s September 21, 2009 Order was “illegal” and that the
6 Court is “illegally keeping [the documents] from being filed” in her other case. (Request at 1.)
7 However, other than stating that she would like to file the documents in a separate case, Ms. Jones
8 provides no details as to the significance of the documents or other facts that might constitute
9 extraordinary circumstances. Thus, upon review of Ms. Jones’ submission, the Court finds that Ms.
10 Jones has presented no extraordinary circumstances that would warrant the release of the filed
11 documents.

12 Accordingly, the Court DENIES Ms. Jones’ Request for return of the filed documents.

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14 Dated: February 9, 2010



JAMES WARE
United States District Judge

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27 ² NORTHERN DISTRICT OF CALIFORNIA, HANDBOOK FOR LITIGANTS WITHOUT A LAWYER 29
28 (2006).

United States District Court

For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alberta Rose Jones
3 1144 Tangerine Way
4 Sunnyvale, CA 94087

5 **Dated: February 9, 2010**

Richard W. Wieking, Clerk

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7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**

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